

BOARD OF MADISON COUNTY COMMISSIONERS
December 19, 2006 MINUTES

On Tuesday, December 19, 2006, a meeting of the Board of Madison County Commissioners came to order at 10:00 AM with Commissioners David Schulz and Frank Nelson present. Commissioner Ted Coffman was engaged in a telephone conference and unable to attend the beginning of the meeting.

Frank Nelson moved to approve the December 12, 2006 minutes as read. David Schulz seconded the motion. All voted aye and the motion carried.

Those people in attendance at the meeting were Doris Fischer, Staci Beecher, Chris Christensen, Steve Weddle, Frank Ford, Chris Mumme, Lewis Stahl, Peggy Kaatz, Tom Henesh, Dwayne Guthrie, and those on the attached list.

Parsons Slough Crossing: Chris Christensen, County Attorney, met with the Board to discuss an easement agreement for a fire hydrant and culvert crossing at the Parsons Slough. After much discussion, Frank Nelson moved to accept the Easement Agreement for the Fire Hydrant and Culvert Crossing in Section 14 and 23 of Township 1 South, Range 5 West between Steven Karl Schelhammer of Greensboro, NC, and Madison County, as prepared by the County Attorney with changes in Section 2A, regarding the length of the culvert and removing Section 5, regarding attorney fees. David Schulz seconded the motion. All voted aye and the motion carried.

Commissioner Coffman joined the meeting at this point.

Firescope MidAmerica Final Report: Doug Foresman, Firescope MidAmerica, met with the Board to discuss the final report of a study his company conducted regarding Public Safety Services in the Madison County portion of the Big Sky community. Those people on the first half of the attached list were present for this portion of the meeting. Doug gave the group a summary of the report including recommendations to help ensure continued public safety in Big Sky.

Orchard Hill Estates Subdivision Final Plat: Doris Fischer, Planner, presented the Board with the final plat of Orchard Hill Estates Subdivision. The subdivision site is 40 acres located along the South Boulder Road, approximately 4.5 miles south of Cardwell and ½ mile from MT Highway 359, and will create five single-family residential lots, ranging from four to seven acres in size, and a 13-acre common area that will encompass a large wetland area with a pond. Doris stated that subdividers have deposited funds in an escrow account for subdivision improvements and that there is a building envelope site plan that will be filed with the final plat. As recommended by the Planner, Frank Nelson moved to approve the final plat of Orchard Hill Estates Subdivision in Section 36 of Township 1 North, Range 3 West with the Subdivision Improvements Agreement and Escrow Receipt Agreement. David Schulz seconded the motion. All voted aye and the motion carried.

The Overlook at Yellowstone Club: Doris Fischer, Planner, presented the Board with the final plat of The Overlook Subdivision at Yellowstone Club, formerly called Alpenglöw. This subdivision is 24 acres within the Phases 1 and 2 of Yellowstone Mountain Club Subdivision and will create five single-family residential lots varying in size from 3 to 5 acres, and add 2.5 acres of open space to the overall Yellowstone Club development. Doris recommended approval of the plat, but that it not be signed until the plat signature page is corrected and not recorded until the revised DEQ approval is received and a Right-to-Farm/Emergency Service declaration with notary seal is received, and that the Subdivision Improvements Agreement should not be signed until the plat is signed. David Schulz moved to approve the final plat of the Overlook Subdivision in the Yellowstone Mountain Club in Section 31, Township 6 South, Range 3 East, with the Subdivision Improvements Agreement and Letter of Credit, in accord with the recommendations made by the Planner. Frank Nelson seconded the motion. All voted aye and the motion carried.

Whipple Minor Subdivision SIA Extension: Doris Fischer, Planner, presented the Board with a letter from Gateway Engineering requesting an extension of the Improvements Agreement for Whipple Minor Subdivision. The extension would allow time for resolution of the requirement to build a trail on the property. Frank Nelson moved to extend the Subdivisions Improvements Agreement for the Whipple Minor Subdivision for one additional year, with a new expiration date of December 22, 2007. David Schulz seconded the motion. All voted aye and the motion carried.

Public Discussion: Peggy Kaatz, Clerk and Recorder, and Tom Henesh, Big Sky Land Consulting, PLLC, met with the Board to discuss the fact that the Clerk and Recorder refused to file a plat that would create two remainder parcels on one survey. Peggy referred to a letter, dated September 5, 2006, in which the governing body of Madison County requested that the Clerk and Recorder reject any Certificate of Survey that creates more than one remainder parcel per 160 acres. Tom stated that he was previously unaware of the letter and questioned the legality of it. The Board was in agreement that the letter should stand.

Board Resignations: David Schulz moved to accept the resignation of Dan Rask from the Public Health Board and to advertise the vacancy. Frank Nelson seconded the motion. All voted aye and the motion carried.

Frank Nelson moved that since the Town of Virginia City did not accept the Commission appointment of a representative to the Virginia City Planning Board, the Board rescinds the appointment of Marilee Tucker to the Virginia City Planning Board. David Schulz seconded the motion. Commissioners Nelson and Schulz voted aye. Commissioner Coffman was opposed. The motion carried on a majority vote.

Board Renewals: Frank Nelson moved to re-appoint the following Board Members to their respective boards: William White and Beau Bradley to the Airport Board, Tom Leo and Troy Martin to the Fair Board, Margaret Bortko, FNP, and Sally Sandell to the Public Health Board, Andy Nye to the Mosquito Board, Pat Hamilton to the Nursing Homes Advisory Board, Eileen Pearce, Ed Ruppel, John Lounsbury, Katherine Looney, Pat Bradley, and Laurie Schmidt to the Planning Board, Dave Casebolt to the Solid Waste Board, Ron Paige to the Tax Appeal Board, Ginger Quinn to the 911 Board, Doug Shaw to the Cardwell Cemetery Board, Steve Jackson to the Pioneer Cemetery Board, Dale Elser to the Sheridan Cemetery Board, Dick Flager to the Taylor Cemetery Board, Richard Woods to the Twin Bridges Cemetery Board, and Jody Williams to the Virginia City Cemetery Board.

Public Administrator: Since there was no filing and he is willing to fill the position, David Schulz moved to appoint Neil Kent as the Public Administrator for Madison County. Frank Nelson seconded the motion. All voted aye and the motion carried.

Jail Training Program: The Board discussed who should attend the Jail Training Program in Bozeman, January 29-31, 2007.

Resolution Amending Personnel Policy Manual: David Schulz moved to approve Resolution 58-2006, a resolution amending the Madison County Personnel Policy Manual, Updated October 2002, to allow a new employee with a pre-existing condition to keep his/her existing insurance with Madison County paying directly to that employees provider an amount not to exceed the amount Madison County currently pays for all other county employees. Frank Nelson seconded the motion. All voted aye and the motion carried.

Public Discussion: The Board received a phone call from Toni Bowen, Arrow Real Estate, with questions regarding access to the runway on lots around the Ennis Airport. Ted stated that the lots in question were created with access to the airport, but any gates that are put in are the responsibility of the lot owner and have to be antelope proof.

Impact Fees: Dwayne Guthrie, TischlerBise, met with the Board to discuss the results of an Impact Fee Study that was recently conducted by TischlerBise. Those people on the second half of the attached list were present for this portion of the meeting. Dwayne reviewed the report that was compiled during the study and discussed impact fee options available to the County, regulations and requirements that go along with these fees, and specific uses and fees related to impact fees. After considerable discussion the Board determined that the legislature would have to make changes to the impact fee laws before it would be advantageous of the County to implement these fees.

With no further business the meeting adjourned at 4:15 PM.

C. Ted Coffman, Chairman
Board of Madison County Commissioners

Date Approved: December 26, 2006

Minutes prepared by:

Laurie Buyan, Administrative Assistant

Peggy Kaatz, Clerk and Recorder, Madison County